

COMPLIANCE BOARD OPINION NO. 97-13

June 16, 1997

Mr. William F. Zorzi, Jr.

The Open Meetings Compliance Board has considered your complaint of April 11, 1997, concerning what you allege to be an illegally closed meeting of the Montgomery County and Prince George's County Delegations to the Maryland House of Delegates on April 4, 1997. The Compliance Board finds that the Act did not apply to this meeting.

Your complaint asserts that the two county delegations "met in a conference room on the 4th Floor of the Lowe House Office Building in Annapolis to discuss the Baltimore school-aid deal. As I recall, the meeting was announced on the floor of the House just before adjournment that evening." You attempted to enter the conference room to cover the event for the Baltimore Sun, but you were asked to leave. Your exclusion, you assert, was a violation of the Open Meetings Act.

The delegations responded to your complaint in a letter from Assistant Attorney General Robert A. Zarnoch, Counsel to the General Assembly. Mr. Zarnoch presents three grounds for the position that no violation occurred: that no quorum of either delegation was present in the conference room; that, for the purpose of the particular discussion at that gathering, the two delegations were not "public bodies"; and that the members of the delegations had a constitutional privilege to close the meeting, even if the Open Meetings Act might otherwise mandate an open meeting.

The Open Meetings Act only applies to "meetings" of public bodies. A public body "meets" only when it has "convene[d] a quorum ... for the consideration or transaction of public business." §10-502(g) of the State Government Article. In general, a quorum means "a majority of the members of a public body." §10-502(k)(1).

The Prince George's County House Delegation comprises 21 members; therefore, a quorum of the delegation is 11. The Montgomery County House Delegation comprises 24 members; therefore, its quorum is 13. According to Mr. Zarnoch's letter, two participants in the April 4 discussion were both "quite positive that less than 11 members were present from Prince George's and less than 13 from Montgomery County."

Under these circumstances the Act was inapplicable to the gathering. *See, e.g.,* Compliance Board Opinion 97-12 (June 3, 1997). No violation occurred.¹

OPEN MEETINGS COMPLIANCE BOARD

Walter Sondheim, Jr.
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¹ In light of this conclusion, we need not consider the other points raised by Mr. Zarnoch in his reply on behalf of the delegations.